

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAVELL C. HOLMES,
Plaintiff,
v.
DAVID BAUGHMAN, et al.,
Defendants.

No. 2:20-cv-01496-DAD-DB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DENYING
PLAINTIFF'S MOTION SEEKING CARE
FROM A NON-CDCR MENTAL HEALTH
PROFESSIONAL

(Doc. Nos. 60, 63)

Plaintiff Travell C. Holmes is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 17, 2022, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's motion for care from a non-CDCR mental health professional (Doc. No. 60) be denied because the instant action does not involve "plaintiff's complaints regarding the mental health care he is currently being provided." (Doc. No. 63 at 3.) The findings and recommendations were served upon all parties and contained notice that any objections thereto were to be filed within thirty (30) days of service. (*Id.* at 4.) Plaintiff filed timely objections. (Doc. No. 66.)

1 Plaintiff's objections primarily address his request for a protective order (Doc. No. 58)
2 which is not within the scope of this order, and has since been separately addressed in an August
3 22, 2022 order issued by the assigned magistrate judge (Doc. No. 74). Plaintiff's remaining
4 objections related to his request for care from a non-CDCR mental health professional do not
5 address the magistrate judge's reasoning that such injunctive relief is inappropriate here because
6 it is not based on or connected to the claims in plaintiff's complaint, but would involve unrelated
7 claims against different defendants. Plaintiff's objections are therefore unpersuasive.

8 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
9 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's
10 objections, the court finds the findings and recommendations to be supported by the record and
11 proper analysis.

12 Accordingly,

- 13 1. The findings and recommendations issued on May 17, 2022 (Doc. No. 63) are
14 adopted in full;
- 15 2. Plaintiff's motion for care from a non-CDCR mental health professional (Doc. No.
16 60) is denied;
- 17 3. The matter is referred back to the assigned magistrate judge for further
18 proceedings.

19 IT IS SO ORDERED.

20 Dated: September 5, 2022

21 Dale A. Drozd
22 UNITED STATES DISTRICT JUDGE
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